

6/7/10

PUBLIC INPUT SIGN UP SHEET

PUBLIC INPUT SHALL BE LIMITED TO
THREE (3) MINUTES PER PERSON.

EACH PERSON SHOULD:

- (1) STATE YOUR NAME
- (2) IN WHAT AREA OF THE COUNTY YOU LIVE
- (3) SPEAK IN A CLEAR AND COURTEOUS MANNER.

Please print!

	<u>NAME</u>	<u>ADDRESS</u>	<u>ISSUE</u>
1.	Ken Gaylord	130 Lake Dr.	287g
2.	Nubia Guido	575 Staghorn Court	287g
3.	Larry L Rogers	PEP	Budget
4.	Wendy Gaskins	306 Little Meadows Ln.	HCYS Budget
5.	Orquidea Velazquez	1315 Heyman Ave	HCYS suggestions
6.	Catherine Lynch	See above	
7.			
8.			
9.			
10.			
11.			
12.			
13.			

Ruby (Morey) YB
immigrants

REQUEST FOR BOARD ACTION
HENDERSON COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: 7 June 2010
SUBJECT: Action on improvement guarantee bond
ATTACHMENT(S): Draft resolution

SUMMARY OF REQUEST:

The improvement guarantee on Seven Falls subdivision (all of phases one and two) expired 2 June 2010. The proposed resolution would allow an action on the bond securing performance on the bond to take place.

County staff will be present and prepared if requested to give further information on this matter.

BOARD ACTION REQUESTED:

Approval of the resolution.

If the Board is so inclined, the following motion is suggested:

I move that the board approve the resolution allowing an action on the Seven Falls subdivision bond.

HENDERSON COUNTY TAX DEPARTMENT

Collector's Office

200 North Grove Street

Suite 66

Hendersonville, NC 28792

Phone: 828/697-5595

Fax: 828/698-6153

www.hendersoncountync.org/tc/

Stan C. Duncan
County Assessor & Tax Collector

Sandy Allison
Administrative Assistant II

May 28, 2010

Re: Tax Collector's Report to Commissioners: 06/07/10 Meeting

Please find outlined below collections information through May 27th for the 2009 bills mailed out on August 5th, as well as registered motor vehicle bills. As a point of reference, we also have included collections information as of the same date last year.

Annual Bills G01 Only:

2009 Total Charge \$57,024,352.18
Payments & Releases: 55,369,213.59
Unpaid Taxes: 1,655,138.59
Percentage collected: 97.10%
(through 05/27/10)

2008 Total Charge: \$55,850,131.09
Payments & Releases: 54,424,851.04
Unpaid Taxes: 1,425,280.05
Percentage Collected: 97.45%
(through 05/27/09)

Motor Vehicle Bills G01 Only:

2009 Total Charge: \$3,821,380.36
Payments & Releases: 3,273,735.61
Unpaid Taxes: 547,644.75
Percentage collected: 85.67%
(through 05/27/10)

2008 Total Charge: \$4,143,197.27
Payments & Releases: 3,567,993.90
Unpaid Taxes: 575,203.37
Percentage collected: 86.12%
(through 05/27/09)

Fire Districts All Bills

2009 Total Charge: \$6,584,768.82
Payments & Releases: 6,339,036.27
Unpaid Taxes: 245,732.55
Percentage collected: 96.40%
(through 05/27/10)

2008 Total Charge: \$6,541,237.21
Payments & Releases: 6,303,465.80
Unpaid Taxes: 237,771.41
Percentage collected: 96.50%
(through 05/27/09)

Respectfully submitted,


Carol McCraw,
Deputy Tax Collector

Stan C. Duncan,
Tax Collector



**HENDERSON COUNTY, NORTH CAROLINA
BUDGET ORDINANCE
FISCAL YEAR 2010-2011**

BE IT ORDAINED by the Henderson County Board of Commissioners, meeting on the 7th day of June 2010:

SECTION 1 – GENERAL FUND REVENUES

It is estimated that the revenues and fund balances of the General Fund, as listed below, will be available during the fiscal year beginning July 1, 2010 and ending June 30, 2011, to meet the appropriations as set forth in Section 4. All fees, commissions, and sums paid to or collected in any fund by any County official, officer, or agent for any service performed for such official, officer, or agent in his official capacity shall accrue solely to the benefit of the County and become County funds.

**HENDERSON COUNTY
GENERAL FUND BUDGET SUMMARY**

Ad Valorem Taxes	
Current Year Taxes	\$ 58,549,491
Prior Year Taxes, Interest, and Penalties	1,640,000
Local Option Sales Taxes	15,607,222
Other Taxes & Licenses	782,250
Unrestricted Intergovernmental Revenue	72,000
Restricted Intergovernmental Revenue	18,684,305
Permits & Fees	1,120,450
Sales & Services	5,364,860
Investment Earnings	250,000
Other Revenues	2,371,241
Transfers from Other Funds	328,452
Fund Balance Appropriated	6,418,905
TOTAL GENERAL FUND REVENUES:	\$ 111,189,176

SECTION 2 – AD VALOREM TAX LEVY

There is hereby levied for the fiscal year 2010-2011, an ad valorem property tax on all property having a situs in Henderson County as listed for taxes as of January 1, 2010, at a rate of **forty-six and two-tenths cents (\$.462)** per one hundred dollars (\$100) of assessed value of such property, pursuant to and in accordance with the Machinery Act of Chapter 105 of the North Carolina General Statutes and other applicable laws. This rate is based on an estimated total valuation of \$ 13,065,000,000 of taxable property and a collection rate of 97%.

SECTION 3 – FEES, LICENSES, AND OTHER TAXES

There is hereby levied, all County Privilege License Taxes as authorized by North Carolina General Statutes, and such other taxes and fees, as provided in the ordinances, resolutions, and fee schedules duly adopted by the Board of Commissioners. Fee schedules used in the development of this budget and adopted by the Board of Commissioners are set forth and a copy of such is maintained in the Office of the County Manager.

SECTION 4 – GENERAL FUND APPROPRIATIONS

The following General Fund amounts are hereby appropriated to the County Manager for the operation of the Henderson County Government and its departments and agencies for the fiscal year beginning July 1, 2010 and ending June 30, 2011. Other fund amounts as set forth in Sections 6 through 19 are also appropriated as presented in this section. In administering the program authorized under this ordinance, the County Manager is authorized to make transfers pursuant to Section 5. Appropriations for land and new buildings included in this Ordinance may be expended only after release by the Board of Commissioners.

The County Manager or the Manager's designee is hereby authorized to execute the necessary agreements within funds included in the Budget Ordinance for the following purposes, and on the following terms and conditions:

- A) Form grant agreements with public and non-profit agencies;
- B) Leases of normal and routine business equipment;
- C) Consultant, professional, or maintenance service agreements up to an anticipated contract amount of \$50,000;
- D) Purchase of apparatus, supplies, and materials where formal bids are not required by law;
- E) Agreements for acceptance of State and Federal grant funds;
- F) Construction or repair work where formal bids are not required by law; and
- G) County departments shall not enter into contracts requiring formal bid procedures without having met with and received written approval from the County Manager.
- H) The County Finance Director is hereby directed to release board-approved non-profit grants in quarterly installments upon the execution of the funding agreement required by the County.
- I) The Finance Director may advance funds with the permission of the County Manager to the Sheriff's Department for their use as drug flash money, provided that these funds are returned to the Finance Director as soon as possible.

The County Manager or the Manager's designee is hereby authorized to execute necessary agreements with regard to ongoing construction projects undertaken by the County, without the requirement of consultation with the Board of Commissioners, in the following circumstances:

- A) The Manager may approve any and all non-emergency change orders which do not increase the construction budget for the project by more than 25% of the then-unallocated budgeted amount for "contingencies" in the particular project budget.
- B) Any change order approved by the County Manager involving a change of more than \$10,000.00 to the construction budget shall be reported to the Board of Commissioners, as an information-only item within the County Manager's monthly report.
- C) In emergencies, change orders greater than those authorized above may be approved by the County Manager after consultation with and with the approval of the Chairman of the Board of Commissioners. In any such case, a report of the same shall be made to the Board of Commissioners at their next regularly-scheduled meeting.
- D) The Sheriff may execute contracts that have no monetary impact on the county government budget, ie. no match in personnel or funding. Contracts or agreements that require any type of County match outside of the Sheriff's approved budget must be approved by the Board of Commissioners.

GENERAL FUND BUDGET SUMMARY

Governing Body	\$ 1,335,219
Dues & Non-Profit Contributions	403,059
County Manager	362,978
Administrative Services	433,720
Human Resources	454,392
Elections	808,721
Finance	770,332
Assessor	1,798,986
Tax Collections	551,063
Legal	682,732
Register of Deeds	861,313
Engineering & Facility Services – Central Services Division	966,343
Engineering & Facility Services – Garage Division	378,859
Court Facilities	190,000
Information Technology	578,037
Sheriff	13,346,671
Detention Facility	5,204,530
Emergency Services – Emergency Management Division	207,504
Emergency Services – Fire Marshal Division	397,777
Building Services	1,005,458
Wellness Clinic	378,907
Emergency Services – Emergency Medical Services Division	4,152,883
Code Enforcement – Animal Control Division	549,256
Criminal Justice Partnership Program (CJPP)	104,013
Rescue Squad	106,650
Code Enforcement – Property Addressing Division	144,059
Forestry Services	55,473
Soil & Water Conservation District	384,877
Engineering & Facility Services – Utilities Division	198,196
Planning	565,687
Code Enforcement	300,113
Soil and Sedimentation Division	153,248
Cooperative Extension	422,988
HOME Program	100,000
Economic Development	466,768
Public Health	3,247,894
Public Health – Programs Divisions	3,518,179
Public Health – Environmental Health Division	1,071,978
Home & Community Care Block Grant (H&CCBG)	742,338
Social Services – Foster Care Home	521,027
Maintenance of Effort Funding	528,612
Mental Health Services	50,012
Rural Operating Assistance Program (ROAP)	267,294

SECTION 6 – FIRE DISTRICTS FUND (23)

The following is hereby appropriated and revenues estimated to be available in the **FIRE DISTRICTS** Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

Revenues	\$ 6,554,777
Appropriations	\$ 6,554,777

Fire District Tax Rates: Tax Rates for these special tax districts listed are as follows:

District	Rate
Bat Cave	.090
Blue Ridge	.085
Dana	.100
Edneyville	.085
Etowah-Horse Shoe	.085
Fletcher	.095
Gerton	.115
Green River	.060
Mills River	.065
Mountain Home	.095
Saluda	.075
Valley Hill	.070
Valley Hill II	.070

SECTION 7 – REVALUATION RESERVE FUND (25)

The following is hereby appropriated and revenues estimated to be available in the **REVALUATION RESERVE** Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

Revenues	\$ 718,031
Appropriations	\$ 718,031

SECTION 8 – TRAVEL & TOURISM FUND (26)

The following is hereby appropriated and revenues estimated to be available in the **TRAVEL & TOURISM** Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

Revenues	\$ 1,036,328
Appropriations	\$ 1,036,328

SECTION 9 – CDBG: SCATTERED SITE HOUSING FUND (27)

The following is hereby appropriated and revenues estimated to be available in the **CDBG: SCATTERED SITE HOUSING PROGRAM** Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

Revenues	\$ 400,000
Appropriations	\$ 400,000

SECTION 10 – EMERGENCY COMMUNICATIONS (E911) FUND (28)

The following is hereby appropriated and revenues estimated to be available in the **EMERGENCY COMMUNICATIONS (E911)** Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011. Revenues for this fund are based on a .70 cent surcharge per phone line.

Revenues	\$ 469,720
Appropriations	\$ 469,720

SECTION 11 – CDBG: WARM COMPANY PROJECT (30)

The following is hereby appropriated and revenues estimated to be available in the **CDBG: WARM COMPANY PROJECT** Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

Revenues	\$ 200,000
Appropriations	\$ 200,000

SECTION 12 – PUBLIC TRANSIT PROGRAM FUND (33)

The following is hereby appropriated and revenues estimated to be available in the **PUBLIC TRANSIT PROGRAM** Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

Revenues	\$ 1,068,289
Appropriations	\$ 1,068,289

SECTION 13 – CDBG: WATER AND SEWER HOOKUP PROJECT (35)

The following is hereby appropriated and revenues estimated to be available in the **CDBG: WATER AND SEWER HOOKUP PROJECT** Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

Revenues	\$ 66,500
Appropriations	\$ 66,500

SECTION 14 – IMMIGRATIONS AND CUSTOMS ENFORCEMENT FUND (38)

The following is hereby appropriated and revenues estimated to be available in the **IMMIGRATIONS AND CUSTOMS ENFORCEMENT** Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

Revenues	\$ 598,531
Appropriations	\$ 598,531

SECTION 15 – GENERAL CAPITAL PROJECTS FUND (40)

The following is hereby appropriated and revenues estimated to be available in the **GENERAL CAPITAL PROJECTS** Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

Revenues	\$ 304,750
Appropriations	\$ 304,750
Capital Projects:	
PARTF - Upper Hickory Nut Gorge Trail Project	\$ 208,750
Capital Project Manager	\$ 96,000

SECTION 16 – DEBT SERVICE FUND (50)

The following is hereby appropriated and revenues estimated to be available in the **DEBT SERVICE** Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

Revenues	\$ 164,364
Appropriations	\$ 164,364

SECTION 17 – SOLID WASTE ENTERPRISE FUND (60)

The following is hereby appropriated and revenues estimated to be available in the **SOLID WASTE ENTERPRISE** Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

Revenues	\$ 6,963,680
Appropriations	\$ 6,963,680

SECTION 18 – CANE CREEK SEWER ENTERPRISE FUND (61)

The following is hereby appropriated and revenues estimated to be available in the **CANE CREEK SEWER ENTERPRISE** Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

Revenues	\$ 1,461,017
Appropriations	\$ 1,461,017

SECTION 19 – JUSTICE ACADEMY SEWER FUND (63)

The following is hereby appropriated and revenues estimated to be available in the **JUSTICE ACADEMY SEWER** Fund for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

Revenues	\$ 38,950
Appropriations	\$ 38,950

SECTION 20 – HENDERSON COUNTY PUBLIC SCHOOLS PROVISION

The Henderson County Finance Director is hereby directed to remit the appropriation to the Henderson County Public Schools for local current expense in monthly installments equivalent to one-twelfth (1/12) of the total county appropriation. The County Finance Director shall remit payment by the thirtieth (30th) of such month. Capital outlay for the Public Schools shall be reimbursed by the County in accordance to this ordinance, based on invoices received by the County Finance Director.

SECTION 21 – ELECTED OFFICIALS PROVISIONS

- A) The Board of Commissioners hereby sets the annual compensation rate for the Henderson County Board of Public Education members. The Chairman shall be compensated at an annual rate of \$3,500. Members of the Board, other than the Chair, shall be compensated at \$2,800 annually.
- B) The Board of Commissioners hereby establishes the Commission Chairman and Commissioners annual compensation rate. The Chairman shall be compensated at an annual rate of \$ 16,801. Members of the Board, other than the Chair, shall be compensated at \$ 10,431 annually. The Chairman and Members shall also receive an additional \$75 per special-called meeting and \$3,650 annually for in-county travel expenses.
- C) The Board of Commissioners hereby sets the annual compensation rate for the Henderson County Sheriff. The Sheriff shall be compensated at an annual rate of \$ 87,000. However, the Board reserves the right to adjust the official salary based on the Resolution passed by the Board in December 2001, which established base salaries for elected officials.
- D) The Board of Commissioners hereby sets the annual compensation rate for the Henderson County Register of Deeds. The Register of Deeds shall be compensated at an annual rate of \$ 64,170. However, the Board reserves the right to adjust the official salary based on the Resolution passed by the Board in December 2001, which established base salaries for elected officials.

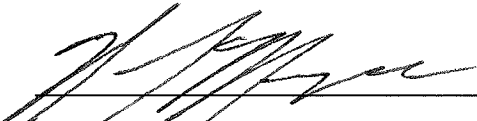
SECTION 22 – UTILIZATION OF THE HENDERSON COUNTY BUDGET

This Ordinance and the Budget Document shall be the basis for the financial plan for the County of Henderson, North Carolina, during the 2010-2011 Fiscal Year. The County Manager shall administer the budget and insure that operation officials are provided guidance and information in sufficient detail to implement their portions of the budget.

The Finance Director shall establish records, which are in consonance with the budget, this Ordinance and regulating statutes of the State of North Carolina.

This Ordinance shall be effective upon its adoption.

Adopted the 7th day of June 2010.



**William L. Moyer, Chairman
Henderson County Board of Commissioners**

Attest:



Teresa L. Wilson, Clerk to the Board



**Before the
Board of Commissioners
Of Henderson County**

**A RESOLUTION REGARDING
LEXON INSURANCE COMPANY BOND
SECURING PERFORMANCE OF SEVEN FALLS, LLC.
IMPROVEMENT GUARANTEE**

Dated June 7, 2010

1 WHEREAS, the Henderson County Planning Board (the "Board"), as a duly constituted agency of
2 the County of Henderson, and Seven Falls, LLC, as the developer of a certain subdivision located in the
3 County of Henderson and commonly referred to as Seven Falls, entered into an Performance Guarantee
4 Agreement dated 29 July 2009, requiring the installation of certain infrastructure improvements, including
5 roads, grading, water, sewer and drainage (together "Improvements"), and the compliance with other
6 required permits, all to be completed on or before 1 June 2010; and,

7 WHEREAS, Seven Falls, LLC as principal and Lexon Insurance Company as surety filed with
8 Henderson County, through the Board, a performance bond in the total amount of \$6,000,000.00; and,

9 WHEREAS, the County of Henderson has declared and does hereby again declare Seven Falls LLC
10 in default of its obligations to install the Improvements and has given notice of such default to said
11 developer and to Lexon Insurance Company, as surety; and,

12 WHEREAS, neither Seven Falls, LLC nor Lexon Insurance Company have since taken steps to
13 complete the required Improvements; and,

14 WHEREAS, the cost to complete the Improvements and remediate the failure of Seven Falls LLC
15 to comply with its obligations under the Performance Guarantee exceeds the principal amount of the bond;
16 and,



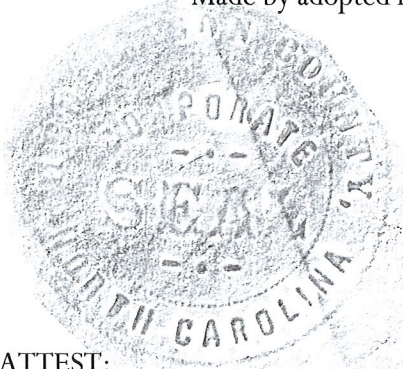
1 WHEREAS, the construction of the Improvements was not complete as of 1 June 2010, and is not
2 complete as of the date hereof.

3 **NOW, THEREFORE, BE IT RESOLVED**, that based upon the foregoing, the Henderson
4 County Board of Commissioners finds that the Improvements have not been installed or completed by 1
5 June 2010, that Seven Falls LLC has violated other permits covered by the Performance Guarantee, and
6 hereby calls upon Lexon Insurance Company to complete said improvements or to pay the County of
7 Henderson the principal amounts of the bond to allow the County of Henderson to complete said
8 improvements.

9 **BE IT ADDITIONALLY RESOLVED** that this Resolution shall be forwarded to Lexon
10 Insurance Company and that the County of Henderson shall proceed with the necessary actions to enforce
11 County of Henderson's rights as to the bond.

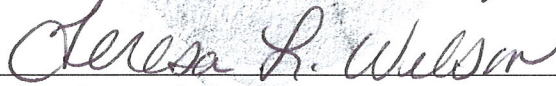
 Made by adopted motion of the commission, the date and year shown above.

HENDERSON COUNTY BOARD OF COMMISSIONERS



By: 
WILLIAM L. MOYER, Chairman

ATTEST:


Clerk to the Board



North Carolina Governor's Highway Safety Program
LOCAL GOVERNMENTAL RESOLUTION
Form GHSP-02-A

(To be completed, attached to and become part of Form GHSP-02, Traffic Safety Project Contract.)

WHEREAS, the Henderson County Sheriff's Office (herein called the "Agency")
(The Applicant Agency)
has completed an application contract for traffic safety funding; and that the Henderson County Board of
(The Governing Body of the Agency)
Commissioners (herein called the "Governing Body") has thoroughly considered the problem
identified and has reviewed the project as described in the contract;

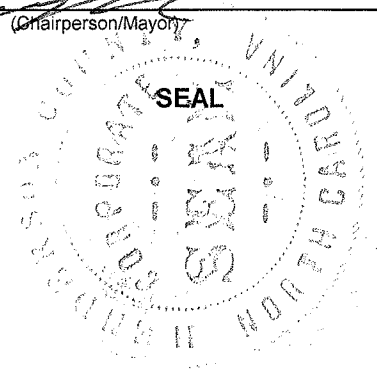
THEREFORE, NOW BE IT RESOLVED BY THE Henderson County Board of Commissioners IN OPEN
(Governing Body)
MEETING ASSEMBLED IN THE CITY OF Hendersonville, NORTH CAROLINA,
THIS DAY OF June, 20 10, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Rick Davis, Sheriff is authorized to file, on behalf of the Governing
(Name and Title of Representative)
Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal
funding in the amount of \$ 10,000.00 to be made to the Governing Body to assist in defraying
(Federal Dollar Request)
the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$ -0- as
(Local Cash Appropriation)
required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other
appropriate persons to furnish such information, data, documents and reports as required by the contract, if
approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by [Signature]
(Chairperson/Mayor)

ATTESTED BY Teresa R. Wilson
(Clerk)

DATE 6/7/10



HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite #1
Hendersonville, NC 28792
Phone (828) 697-4808 • Fax (828) 698-4443
TDD: (828) 697-4580
www.hendersoncountync.org

BILL MOYER
Chairman
MARK WILLIAMS
Vice-Chairman

CHUCK MCGRADY
CHARLIE MESSER
LARRY YOUNG

Resolution for Henderson County Solid Waste Funding Request to North Carolina Department of Transportation

WHEREAS, Henderson County is applying for an access permit to North Carolina Department of Transportation (NCDOT) for the improvements to the Stoney Mountain Transfer Facility; and

WHEREAS, The Access permit will require a left turn lane on Stoney Mountain Road; and

WHEREAS, In return for the use of the Stoney Mountain Transfer Facility for NCDOT maintenance operations in Henderson County and per GS 36-44.1, 143B-350(f),(g) (attached);, NCDOT will fund construction of the required turn lane and entrances. In addition, the entrance road will become part of the State System for maintenance; and

WHEREAS, NCDOT maintenance operations in Henderson County have a three year average of 250 tons varying from 85 to 507 tons, with the average cost of \$12,500 per year; and

NOW, THEREFORE, be it resolved that we, the Henderson County Board of Commissioners, does hereby request funding for the Stoney Mountain entrance road and turn lane from NCDOT and for the entrance road to become part of the State System for maintenance. In return Henderson County will receive materials from NCDOT for Henderson County Maintenance Operations at an annual amount not to exceed 550 tons.

Adopted this the 7th day of June, 2010.


WILLIAM L. MOYER, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:


TERESA L. WILSON, CLERK TO THE BOARD

G.S. 136-441.; 143B-350(f),(g).

- a. The NCDOT will assist the individual counties in the construction of roads to serve county supervised landfills by either participating with the financing, by doing the construction on a 100 percent reimbursable basis, or by assuming the total construction cost after it has been determined to what degree that secondary road improvement funds allocated to that county will be available by the Board of Transportation, the Division Engineer and the District Engineer. The construction cost of the road to serve the landfill must be of a reasonable nature when compared to the total needs of the county, as well as available funds. The road will become a part of the state maintained system, and 60 feet of right of way must be dedicated to the NCDOT at no cost. The division of Highways must be allowed to utilize the landfill for dumping purposes free of charge.
- b. The initiation of such a project will be by a resolution from the Board of County Commissioners recommending the use of county allocated funds to partially or totally fund the road. The resolution must also state that the Division of Highways can utilize the landfill.